

### **REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-11 are pending. Claims 1-3 are amended, and claims 4-11 are added. Claims 1 and 2 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

#### **Foreign Priority Claim**

The Examiner has not acknowledged the Applicants' claim for foreign priority. Clarification is respectfully requested in the next official communications.

#### **Information Disclosure Citation**

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed November 14, 2001, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

#### **Drawings**

The Examiner has not indicated whether or not the drawings have been accepted. Clarification is respectfully requested in the next official communications.

#### **Objection to the Abstract of the Disclosure**

The Examiner has objected to the Abstract of the Disclosure because of the use of legal phraseology and because the length exceeds 150 words.

In order to overcome this objection, Applicants have amended the Abstract of the Disclosure to delete the legal phraseology and reduce the number words to 150 or fewer. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

**Substitute Specification**

In accordance with MPEP §608.01(q), the Applicants herewith submit a substitute specification in the above-identified application. Also included is a marked-up copy of the original specification which shows the portions of the original specification which are being added and deleted. The Applicants respectfully submit that the substitute specification includes no new matter and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions.

Because the number of amendments which are being made to the original specification would render it difficult to consider the case, or to arrange the papers for printing or copying, the Applicants have voluntarily submitted this substitute specification. Accordingly, the Applicants respectfully request that the substitute specification be entered into the application.

**Claim Objections**

The Examiner has objected to claim 2 because of a misspelling. In order to overcome this objection, Applicants have amended claim 2 in order to correct the deficiency pointed out by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicants have amended claim 1 to correct the deficiencies pointed out by the Examiner. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 U.S.C. § 102(e)**

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jackson (U.S. 2004/0078220). This rejection is respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

**Amendments to Independent Claims 1 and 2**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 has been amended to recite a combination of elements in a medical diagnostic system including *inter alia*

a data extracting unit for reading selected ones of the doctor's questions from said second data storage unit,

the medical center communications unit for communicating with said user terminal and/or said physician terminal to send said medical information including said diagnostic result and said selected ones of the doctor's questions, to receive answers from said user terminal to said selected ones of the doctor's questions, and to send an advice to the user to have a close examination along with a message of introduction of a suitable physician when the diagnostic result indicates a non-emergency abnormality condition.

Further, independent claim 2 has been amended to recite a combination of steps in a diagnostic processing method including *inter alia*

carrying on diagnosis of the user who had been determined as being abnormal but requiring no emergency treatment, by use of a diagnostic result based on said biological information in combination with received answers to a doctor's questions selected based on an analyzed result, the received answers to the doctor's questions also being sent by the user from the user terminal; and

sending an advice to the user to have a close examination along with a message of introduction of a suitable physician.

Support for the above features of claims 1 and 2, as amended, can be found in the original specification, for example on page 10, lines 8-14, and page 12, lines 5-9.

Applicants respectfully submit that the combination of element/steps as set forth in each of independent claims 1 and 2 is not disclosed or made obvious by the prior art of record, including Jackson.

By contrast, paragraph [0071] of Jackson merely discloses “the hosted environment prompting the patient for additional information....” On page 7 of the Office Action, the Examiner asserts that Jackson paragraphs [0072] to [0074] teach “analyzing answers received to said doctor’s questions to determined the health condition of the user...”. However, Jackson provides no hint of a data extracting unit for reading selected ones of the doctor's questions from said second data storage unit, as specifically set forth in the claims of the present invention.

Further paragraph [0074] of Jackson merely discloses “If there is no emergency, then it is determined whether an appointment is necessary. .... If an appointment is required, at step S11 the host network schedules an appointment....” However, Jackson provides no hint of send an advice to the user to have a close examination along with a message of introduction of a suitable physician when the diagnostic result indicates a non-emergency abnormality condition, as set forth in independent claims 1 and 2 of the present invention.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements/steps set forth in each of independent claims 1 and 2 is not disclosed or made obvious by the prior art of record, including Jackson. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 1 and 2 are now in condition for allowance.

### **Dependent Claims 3-11**

Dependent claim 3 has been amended, and dependent claims 4-11 have been added to set forth additional novel features of the present invention.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

All claims of the present application are now in condition for allowance.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

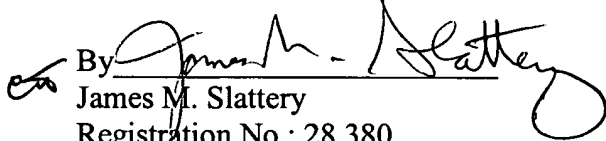
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,

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